UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,433	06/28/2001	Gerald M. Kuhn	218.1018	5174

7590 09/08/2004	**EXAMINER**
Davidson, Davidson & Kappel, LLC	BADERMAN, SCOTT T

14th Floor
485 Seventh Avenue
New York, NY 10018

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 June 2001</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-73</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9,11-39 and 41-72</u> is/are rejected.

7)☒ Claim(s) <u>10,40 and 73</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/15/02.</u>

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The signature for inventor Remi Cote is missing.

Claim Objections

2.   Claim 30 is objected to because of the following informalities: In line 2, "present" should

be "parent". Appropriate correction is required.

3.   Claim 63 is objected to because of the following informalities: In line 2, "present" should

be "parent". Appropriate correction is required.

Allowable Subject Matter

4.   Claims 10, 40 and 73 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

6.   Claims 1-6, 9, 11-18, 21-26, 29-36, 39, 41-45, 48-59, 62-69 and 72 are rejected under 35

U.S.C. 102(e) as being anticipated by Lindskog et al. (6,665,262).

As in claims 1, 21, 22, 54 and 55, Lindskog discloses an alarm management system that

comprises a hierarchical database of alarm source identifiers (i.e., alarm data identifies the fault

that caused the alarm, wherein an event generator updates the fault information in an event

database, wherein the fault information associated with the alarm can identify a higher level

alarm data) (Figure 2, column 3: lines 51-63), wherein each alarm source identifier (alarm data)

is associated with a corresponding software entity (fault agent) capable of generating an alarm

(column 3: lines 24-34, column 5: lines 6-10), and an alarm processor (fault agent), wherein the alarm processor receives an alarm from one of the software entities, invokes a corresponding alarm controller for the software entity (generates the alarm), accesses the hierarchical database to identify a parent software entity (higher level fault agent) of the one of the software entities (column 3: lines 50-63), and invokes a corresponding alarm controller for the parent software entity (i.e., produces a new alarm) (Figure 1, Abstract, column 3: lines 24-63).

As in claim 2, Lindskog discloses an alarm manager (fault agent), wherein the alarm processor invokes the corresponding alarm controller for the one of the software entities, accesses the hierarchical database to identify the parent software entity of the one of the software entities, and invokes the corresponding alarm controller for the parent software entity via the alarm manager (Figure 1, Abstract, column 3: lines 24-63).

As in claims 3, 23 and 56, Lindskog discloses wherein the alarm includes an alarm source identifier (alarm data) (column 3: lines 24-63, column 5: lines 6-10).

As in claims 4, 24 and 57, Lindskog discloses wherein the alarm processor, upon receiving the alarm, creates a timestamp for the alarm (column 5: lines 18-23).

As in claims 5, 25 and 58, Lindskog discloses wherein the alarm source identifier is unique to the software entity generating the alarm during the lifetime of the alarm (the lifetime of

the alarm is interpreted as when the alarm has been received and then handled) (column 3: lines 24-63, column 5: lines 6-10).

As in claims 6, 26 and 59, Lindskog discloses wherein the alarm includes an alarm state, wherein the alarm state is one of an alarm cleared and an alarm set (i.e., the fault agent can filter the alarm data, effectively setting the alarm or clearing it) (column 6: lines 9-14).

As in claim 9, Lindskog discloses wherein each alarm controller (fault agent) is a software entity capable of generating an alarm (column 3: lines 24-34), and the hierarchical database includes an alarm source identifier (alarm data) corresponding to the alarm controller (column 3: lines 50-63).

As in claims 11, 30 and 63, Lindskog discloses wherein the alarm processor does not invoke the parent software entity if the alarm was cleared by the one of the software entities (column 6: lines 9-14).

As in claim 12, Lindskog discloses wherein the alarm processor accesses the hierarchical database before it invokes the corresponding alarm controller for the one of the software entities (i.e., the parent software entity) (column 3: lines 50-63).

As in claims 13, 29 and 62, Lindskog discloses wherein the alarm processor accesses the

hierarchical database after it invokes the corresponding alarm controller for the one of the

software entities (i.e., the software entity that could not handle the fault) (column 3: lines 24-63).

As in claims 14, 31, 32, 41, 64 and 65, Lindskog discloses an alarm management system

that comprises a hierarchical database of alarm source identifiers (i.e., alarm data identifies the

fault that caused the alarm, wherein an event generator updates the fault information in an event

database, wherein the fault information associated with the alarm can identify a higher level

alarm data) (Figure 2, column 3: lines 51-63), wherein each alarm source identifier (alarm data)

is associated with a corresponding software entity (fault agent) capable of generating an alarm

(column 3: lines 24-34, column 5: lines 6-10), a corresponding alarm hook for each software

entity (part of the fault agent), a plurality of alarm handlers, wherein each software entity is

associated with at least one of the alarm handlers (i.e., the means for generating the alarm and

handling the faults) (Abstract, column 3: lines 24-63), an alarm processor (fault agent), wherein

the alarm processor receives an alarm from one of the software entities, invokes a corresponding

alarm hook (generates the alarm), invokes the at least one alarm handler for the one of the

software entities (Abstract, column 3: lines 24-63), and accesses the hierarchical database to

identify a parent software entity (higher level fault agent) of the one of the software entities

based upon the alarm source identifier associated with the one of the software entities (column 3:

lines 50-63), and invokes a corresponding alarm handler for the parent software entity (i.e.,

produces a new alarm) (Figure 1, Abstract, column 3: lines 24-63).

As in claims 15, 33, 42 and 66, Lindskog discloses wherein the alarm includes an alarm source identifier (alarm data) (column 3: lines 24-63, column 5: lines 6-10).

As in claims 16, 34, 43 and 67, Lindskog discloses wherein the alarm processor, upon receiving the alarm, creates a timestamp for the alarm (column 5: lines 18-23).

As in claims 17, 35, 44 and 68, Lindskog discloses wherein the alarm source identifier is unique to the software entity generating the alarm during the lifetime of the alarm (the lifetime of the alarm is interpreted as when the alarm has been received and then handled) (column 3: lines 24-63, column 5: lines 6-10).

As in claims 18, 36, 45 and 69, Lindskog discloses wherein the alarm includes an alarm state, wherein the alarm state is one of an alarm cleared and an alarm set (i.e., the fault agent can filter the alarm data, effectively setting the alarm or clearing it) (column 6: lines 9-14).

As in claims 39 and 72, Lindskog discloses wherein the step of invoking further comprises applying filtering criteria to the alarm and invoking the at least one alarm handler associated with the one of the software entities, and the at least one alarm handler associated with the parent software entity, if the filtering criteria is satisfied (column 6: lines 9-14).

As in claim 48, 49, 50, 51 and 52, Lindskog discloses the system and method above, wherein the fault information is sent to a higher level fault agent until a level is reached at which

the fault can be handled (which implies that accessing a parent software entity of a parent

software entity can occur) (Abstract, column 3: lines 24-63).

As in claim 53, Lindskog discloses a processor, wherein the alarm processor executes on

a processor (Figures 2 and 4).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 7, 8, 19, 20, 27, 28, 37, 38, 46, 47, 60, 61, 70 and 71 are rejected under 35 U.S.C.

103(a) as being unpatentable over Lindskog et al. in view of CCITT (X.733).

As in claims 7, 8, 19, 20, 27, 28, 37, 38, 46, 47, 60, 61, 70 and 71, Lindskog discloses the

system and method above, wherein alarms are generated across nodes in a communication

network (Figure 1). However, Lindskog does not specifically disclose wherein the alarm includes

an AlarmId, timestamp, SourceId, state, type, ProbableCause, perceivedSeverity and

specificProblem in accordance with ITU X.733. CCITT discloses that the alarms described

above are a standard recommendation that may be used in an application process in a centralized

or decentralized management environment (see entire document, specifically p. 1).

It would have been obvious to a person skilled in the art at the time the invention was made to include the types of alarms described above into the system and method taught by Lindskog above. This would have been obvious because a person skilled in the art would have understood the CCITT standard recommendation and would have complied.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (703) 305-4644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott T Baderman
Primary Examiner
Art Unit 2113

STB